

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(NORFOLK DIVISION)**

BAYER CROPSCIENCE AG,)	
BAYER CROPSCIENCE NV,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 2:12-cv-47 (RAJ/TEM)
)	
DOW AGROSCIENCES LLC)	
MYCOGEN PLANT SCIENCE, INC.,)	
AGRIGENETICS, INC. d/b/a)	
MYCOGEN SEEDS, LLC, AND)	
PHYTOGEN SEED COMPANY, LLC,)	
)	
Defendants.)	

NOTICE OF FILING OF JOINT STATUS REPORT

In accordance with the Court's order of September 11, 2013, the parties hereby provide a joint status report on the arbitration proceedings.

1. On November 12, 2014, the parties submitted their last status reports to the Court. *See* D.I. Nos. 98, 102.

2. On November 20-21, 2014, the hearing on breach of contract and patent infringement remedies was held before the Tribunal, which was the last scheduled merits hearing in the arbitration.

3. By letter dated December 4, 2014, Defendants informed the Tribunal that, on December 2, 2014, the United States Patent and Trademark Office ("PTO") had granted Defendants' request, pursuant to 35 U.S.C. § 302, for *ex parte* reexamination of claim 1 of U.S. Patent RE 44,962, a reissue of U.S. Patent 7,112,665, which was pleaded in Plaintiffs' complaint

in this action. Defendants requested that the Tribunal stay the arbitration until the PTO's reexamination proceedings conclude.

4. On December 10, 2014, Plaintiffs responded to Defendants' December 4, 2014 letter, requesting that the Tribunal deny Defendants' request to stay the arbitration proceedings.

5. On December 22, 2014, the Tribunal denied Defendants' request to stay the arbitration.

6. The Tribunal is currently scheduled to issue a final award on all issues in the arbitration no later than February 27, 2015.

7. The parties remain at the Court's disposal with regard to the foregoing.

Dated: January 12, 2015

/s/ David B. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically e-mail notification of such filing to:

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To the best of my knowledge, there are no other attorneys who require service by U.S. mail.

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